

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARVIN SEABROOK,

Plaintiff,

v.

THE CITY OF NEW YORK,
POLICE OFFICER JOHN DOE,
POLICE OFFICER RICHARD ROE,
POLICE OFFICER JANE DOE, and
POLICE OFFICER JUDITH ROE,

Defendants.

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MARVIN SEABROOK, Plaintiff Pro Se,¹ as and for his Second Amended Complaint, alleges as follows:

JURISDICTION

1. This is an action for damages pursuant to 42 USC §1983 and New York State tort law, for false arrest and false imprisonment and the violation of my constitutional rights.
2. Subject matter jurisdiction exists pursuant to 28 USC §§1331 and 1343. This Court should exercise supplemental jurisdiction over the state law claims pursuant to 28 USC §1367.

VENUE

3. Venue is proper under 28 USC §1391(b) because the events giving rise to the claims occurred in the Eastern District of New York.

PARTIES

4. Plaintiff Marvin Seabrook resides at 336 Marion Street, Brooklyn, New York 11233.
5. Defendant City of New York is a Municipal Corporation of the State of New York. The New York City Police Department is an agency of the City of New York and the employer of Police Officers John Doe, Richard Roe, Jane Doe, and Judith Roe.

¹ This document was prepared with the assistance of the Federal Pro Se Legal Assistance Project of the City Bar Justice Center.



6. Defendants Police Officers John Doe and Richard Roe are assigned to Police Service Area 2, located at 560 Sutter Avenue, Brooklyn NY 11207. The assignments of Defendant Police Officers Jane Doe and Judith Roe are not known to Plaintiff.

STATEMENT OF FACTS

7. On March 17, 2022, Plaintiff received a telephone call from an individual who identified himself as a police officer. In that telephone call, Plaintiff was told that there was an outstanding arrest warrant for him but that he could voluntarily go to Police Service Area 2, 560 Sutter Avenue, Brooklyn NY 11207, the following day, Friday March 18, 2022, before 8 AM.
8. On March 18, 2022, Plaintiff voluntarily went to Police Service Area 2, 560 Sutter Avenue, Brooklyn NY 11207. Plaintiff arrived at Police Service Area 2 at approximately 7:30 AM.
9. When he first arrived at Police Service Area 2, Plaintiff spoke with the desk sergeant and showed him his identification. Plaintiff then met with defendants Police Officers John Doe and Richard Roe, who told another police officer to take Plaintiff in the back to be fingerprinted and have his photo taken.
10. Following the photo and fingerprinting, Plaintiff was unlawfully detained in a holding cell at Police Service Area 2 for approximately three hours on March 18, 2022.
11. At approximately 11:30 AM on March 18, 2022, Plaintiff was handcuffed and transported by Defendant Police Officers Jane Doe and Judith Roe to the Criminal Court building at 120 Schermerhorn Street, Brooklyn NY 11201.
12. Defendant Police Officers Jane Doe and Judith Roe Plaintiff placed Plaintiff in a holding cell at 120 Schermerhorn Street, Brooklyn NY 11201. Plaintiff remained in that holding cell for approximately 11 hours.
13. Plaintiff was released from custody, without any charges having been filed against him, at approximately 10:30 PM on March 18, 2022. Plaintiff was never told the reason for his confinement or the reason for his release on March 18, 2022. Plaintiff never appeared before a judge on March 18, 2022.
14. Plaintiff was conscious of his 14-hour confinement on March 18, 2022.
15. Plaintiff did not consent to his 14-hour confinement on March 18, 2022.
16. Plaintiff's 14-hour confinement on March 18, 2022 was without probable cause.

COUNT ONE: 42 USC §1983

17. Defendants Police Officers John Doe, Richard Roe, Jane Doe, and Judith Roe, acting under color of state law, detained, confined, and imprisoned Plaintiff in violation of his right to be free from unlawful seizure under the Fourth Amendment of the United States Constitution and his right to Due Process under the Fourteenth Amendment of the United States Constitution.

COUNT TWO: MUNICIPAL LIABILITY 42 USC §1983


18. Defendant City of New York has an established policy or custom that permits the arrest, detention, and imprisonment of individuals without probable cause, which resulted in the violation of Plaintiff's constitutional rights.

COUNT THREE: FALSE ARREST UNDER NEW YORK STATE LAW

19. Defendants Police Officers John Doe, Richard Roe, Jane Doe, and Judith Roe, detained, confined, and imprisoned Plaintiff without his consent and without probable cause and are, therefore, liable to Plaintiff for falsely arresting and falsely imprisoning Plaintiff.
20. Defendant City of New York, as the employer of the individual defendants, is responsible for their wrongdoing under the doctrine of *respondeat superior*.

WHEREFORE, Plaintiff seeks compensatory and punitive damages, and such other and further relief as this Court deems just and proper.

Dated: June 2, 2022
Brooklyn, New York



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